

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

FILED  
ASHEVILLE, N.C.

DEC - 7 2010

U.S. DISTRICT COURT  
W. DIST. OF N.C.

UNITED STATES OF AMERICA

vs.

JONATHAN CLINGMAN LOGAN,  
Defendant.

DOCKET NO. 1:10cr89

**BILL OF INDICTMENT**

Violations:

18 U.S.C. § 1344

THE GRAND JURY CHARGES:

INTRODUCTORY PARAGRAPH

1. Beginning in or about March 2010 and continuing through in about June 2010, in Buncombe County, within the Western District of North Carolina and elsewhere, the defendant, **JONATHAN CLINGMAN LOGAN**, knowingly executed, and attempted to execute a scheme and artifice to defraud North Carolina State Employee Credit Union (NC SECU), Bank of Asheville, Branch Banking and Trust (BB&T), and Carolina First Bank, all financial institutions with deposits insured by the Federal Deposit Insurance Corporation or National Credit Union Share Insurance Fund, and to obtain moneys and funds under the custody of those financial institutions by means of materially false and fraudulent pretenses and representations.

2. It was part of the scheme and artifice that the defendant opened checking accounts at the above referenced banks by depositing minimal actual funds or worthless checks and then cashed checks or otherwise withdrew funds that were drawn upon these accounts knowing that the deposited checks were drawn upon closed accounts or that the accounts did not contain sufficient funds to cover the withdrawals. The deposited checks were subsequently dishonored, causing the financial institutions to suffer losses.

COUNT ONE

The scheme and artifice set forth in paragraphs 1 and 2 is re-alleged and incorporated herein by reference. From April 28, 2010 until on or about May 3, 2010, in Buncombe County, in the Western District of North Carolina,

**JONATHAN CLINGMAN LOGAN**

executed the scheme and artifice as set forth above, in that on April 28, 2010 at the Asheville-Biltmore Village branch of NC SECU, the defendant deposited a worthless check in the amount of \$4,813.31 into his NC SECU checking account. From April 29, 2010, until May 3, 2010, **JONATHAN CLINGMAN LOGAN** made automatic teller machine (ATM) withdrawals and check card debits from the account. **JONATHAN CLINGMAN LOGAN** did thereby obtain \$4,373.91 from the State Employee Credit Union, in violation of Title 18, United States Code, Section 1344.

COUNT TWO

The scheme and artifice set forth in paragraphs 1 and 2 is re-alleged and incorporated herein by reference. On or about May 20, 2010 and May 21, 2010, in Buncombe County, in the Western District of North Carolina,

**JONATHAN CLINGMAN LOGAN**

executed the scheme and artifice as set forth above, in that the defendant went to the South Asheville branch of the Bank of Asheville and opened a Bank of Asheville checking account by depositing a worthless check in the amount of \$100 on May 19, 2010. Also on May 19, 2010, **JONATHAN CLINGMAN LOGAN** went to the Reynolds Office Branch of the Bank of Asheville and deposited a worthless check in the amount of \$2,563.53. On May 20, 2010, **JONATHAN CLINGMAN LOGAN** withdrew \$1,950 from the South Asheville branch of the Bank of Asheville by cashing a check drawn on the same account. On May 21, 2010, **JONATHAN CLINGMAN LOGAN** withdrew \$400 from the Asheville branch of the Bank of

Asheville by cashing a check drawn on the same account. **JONATHAN CLINGMAN LOGAN** did thereby obtain \$2,350 from the Bank of Asheville, in violation of Title 18, United States Code, Section 1344.

COUNT THREE

The scheme and artifice set forth in paragraphs 1 and 2 is re-alleged and incorporated herein by reference. On or about May 21, 2010 until on or about May 26, 2010, in Buncombe County, in the Western District of North Carolina,

**JONATHAN CLINGMAN LOGAN**

executed the scheme and artifice as set forth above, in that on May 21, 2010, **JONATHAN CLINGMAN LOGAN** opened a Carolina First Bank checking account at their 1890 Hendersonville Road branch, in Skyland, with \$50 in cash. Also on May 21, 2010, **JONATHAN CLINGMAN LOGAN** deposited a worthless check in the same account in the amount of \$2,195.66. On May 24, 2010, **JONATHAN CLINGMAN LOGAN** withdrew \$2,000 by cashing a check drawn on the same account from the 4006 Hendersonville Road branch in Fletcher, North Carolina. Also on May 24, 2010, **JONATHAN CLINGMAN LOGAN** withdrew \$200 by cashing a check drawn on the same account from the Skyland, North Carolina branch. Also on May 24, 2010, **JONATHAN CLINGMAN LOGAN** deposited a worthless check in the amount of \$510 drawn on his NC SECU checking account. On May 25, 2010, **JONATHAN CLINGMAN LOGAN** withdrew \$350 by cashing a check drawn on the Carolina First Bank checking account from their Skyland, North Carolina branch. On May 26, 2010 **JONATHAN CLINGMAN LOGAN** deposited a worthless check in the amount of \$694.21 and received \$200 in "cash back" at the Fletcher, North Carolina branch. **JONATHAN CLINGMAN LOGAN** did thereby obtain \$2,700 from the Carolina First Bank, in violation of Title 18, United States Code, Section 1344.

#### COUNT FOUR

The scheme and artifice set forth in paragraphs 1 and 2 is re-alleged and incorporated herein by reference. On or about May 24, 2010 until on or about May 26, 2010, in Buncombe County, in the Western District of North Carolina,

#### **JONATHAN CLINGMAN LOGAN**

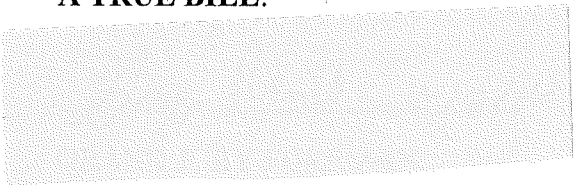
executed the scheme and artifice as set forth above, in that on May 24, 2010, **JONATHAN CLINGMAN LOGAN** opened a BB&T checking and savings account at their Merrimon Avenue branch with a \$500 check drawn upon his NC SECU checking account, knowing that this check was in fact worthless. Also on May 24, 2010 at the Fletcher, North Carolina branch of BB&T, **JONATHAN CLINGMAN LOGAN** deposited a worthless check in the amount of \$2,243.95 drawn upon a closed account. On May 26, 2010 **JONATHAN CLINGMAN LOGAN** withdrew \$2,350 by cashing a check drawn upon the BB&T checking account from their South Asheville branch. **JONATHAN CLINGMAN LOGAN** did thereby obtain \$2,350 from BB&T, in violation of Title 18, United States Code, Section 1344.

NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE

Pursuant to Fed. R. Crim. P. 7(c)(2) and 32.2(a), notice is hereby given that the defendants have or had an interest in the following property that is subject to forfeiture in accordance with 18 U.S.C. § 982(a), 18 U.S.C. § 981(a)(1)(c) and/or 28 U.S.C. § 2461(c):

- (a) all property involved in the violations alleged in this Bill of Indictment;
- (b) all property that facilitated or was used in such violations;
- (c) all property which is proceeds of such violations; and,
- (d) in the event that any property described in (a), (b), and (c) cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant, pursuant to § 853(p) and Fed. R. Crim. P. 32.2(e), to the extent of the value of the property described in (a), (b), and (c).

**A TRUE BILL:**



ANNE M. TOMPKINS  
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'David A. Thorneloe', is written over a horizontal line.

DAVID A. THORNELOE  
ASSISTANT UNITED STATES ATTORNEY